Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-20. (canceled)

21. (previously presented) Anhydrous ondansetron hydrochloride Form B characterized by powder X-ray diffraction peaks at 10.5, 11.9, 13.0, 13.5, and 15.1 ±0.2 degrees two-theta.

22. (previously presented) The anhydrous ondansetron hydrochloride Form B of claim 21, further characterized by powder X-ray diffraction peaks at 20.9, 22.7, 24.0, and 25.7 ±0.2 degrees two-theta.

25. (previously presented) A process for preparing the anhydrous ondansetron hydrochloride Form B of claim 21 or 22 comprising:

a) treating ondansetron hydrochloride with a dry C_1-C_4 alcohol or ketone to form the anhydrous ondansetron hydrochloride Form B of claim 21 or 22; and

b) recovering the anhydrous ondansetron hydrochloride Form B of claim 21 or 22.

26. (original) The process of claim 25 wherein the solvent is absolute ethanol.

27. (previously presented) The process of claim 25 wherein the ondansetron hydrochloride that is treated is Form A.

28. (original) The process of claim 25 wherein the treatment is carried out at about 20°C.

29. (canceled)

30. (previously presented) The process of claim 25 wherein the alcohol is ethanol, isopropanol, 1-butanol or mixtures thereof.

31. (canceled)

32. (previously presented) A process for preparing the anhydrous ondansetron hydrochloride Form B of claim 21 or 22 comprising:

a) treating ondansetron hydrochloride with a dry organic solvent; and

b) recovering the anhydrous ondansetron hydrochloride Form B of claim 21 or 22.

33. (original) The process of claim 32 wherein the solvent is absolute ethanol.

34. (previously presented) The process of claim 32 wherein the ondansetron hydrochloride that is treated is Form A.

35. (original) The process of claim 32 wherein the solvent is a ketone.

36. (canceled)

37. (original) The process of claim 32 wherein the treatment is carried out at about 20°C.

38. (canceled)

39. (previously presented) The anhydrous ondansetron hydrochloride Form B of claim 21 in particle form having 100% of the particles below about 300 microns in size.

40. (canceled)

41. (previously presented) The anhydrous ondansetron hydrochloride Form B of claim 21 in particle form having 100% of the particles below about 200 microns in size.

42. (canceled)

43. (previously presented) The anhydrous ondansetron hydrochloride Form B of claim 21 in particle form having 100% of the particles below about 40 microns in size.

44. (canceled)

45. (previously presented) The anhydrous ondansetron hydrochloride Form B of claim 21 with a water content up to about 2%.

46. (previously presented) A process for preparing the anhydrous ondansetron hydrochloride Form B of claim 21 comprising:

a) reacting HCl gas with a toluene solution of ondansetron base to form the anhydrous ondansetron hydrochloride Form B of claim 21; and

b) recovering the anhydrous ondansetron hydrochloride Form B of claim 21.

47. (previously presented) The process of claim 46 wherein the ondansetron base is dissolved at the reflux temperature of toluene.

48. (previously presented) The process of claim 46 wherein HCl gas is bubbled into the toluene solution of ondansetron base.

49. (previously presented) Ondansetron hydrochloride Form C, characterized by powder X-ray diffraction peaks at 6.3, 9.2, 10.2, 13.1, 16.9 and 24.4 ±0.2 degrees two-theta.

50. (previously presented) The ondansetron hydrochloride Form C of claim 49, wherein the powder X-ray diffraction peaks at 6.3-and 24.4 ±0.2 degrees two-theta are strong peaks.

51. (previously presented) A process for preparing the ondansetron hydrochloride Form C of claim 49 or 50 comprising:

a) dissolving ondansetron base in ethanol,

b) adding an ethanolic solution of hydrogen chloride to form a mixture,

c) filtering the mixture to remove precipitated solids, and

d) evaporating the ethanol to recover the ondansetron hydrochloride Form C of claim 49 or 50.

52. (previously presented) Ondansetron hydrochloride Form D, characterized by powder X-ray diffraction peaks at 8.3, 14.0, 14.8 and 25.5 ±0.2 degrees two-theta.

53. (previously presented) A process for preparing the ondansetron hydrochloride Form D of claim 52 comprising the steps of:

a) melting ondansetron hydrochloride in the presence of xylene; and

b) adding the melt to ethanol.

54. (previously presented) The process of claim 53 wherein the ondansetron hydrochloride is ondansetron hydrochloride Form A.

55. (previously presented) The process of claim 53 wherein the ethanol is at a temperature of from about -15°C to about room temperature.

56. (original) The process of claim 55 wherein the ethanol is at a temperature of about -10°C.

57. (previously presented) Ondansetron hydrochloride Form E, characterized by powder X-ray diffraction peaks at 6.3, 7.4, 10.5, 11.2, 12.3, 13.0, 14.5, 15.9, 17.0, 20.1, 20.8, 24.5, 26.2 and 27.2 ±0.2 degrees two-theta.

58. (previously presented) The ondansetron hydrochloride Form E of claim 57, wherein the powder X-ray diffraction peak at 7.4 ±0.2 degrees two-theta is a strong peak.

59. (previously presented) A process for preparation of the ondansetron hydrochloride Form E of claim 57 or 58 comprising:

a) treating ondansetron hydrochloride in isopropanol to form the ondansetron hydrochloride Form E of claim 57 or 58; and

b) recovering the ondansetron hydrochloride Form E of claim 57 or 58.

60. (original) The process of claim 59 wherein the ondansetron hydrochloride is Form A.

61. (original) The process of claim 59 wherein the temperature of the isopropanol is from about room temperature to about reflux temperature.

62-66. (canceled)

67. (previously presented) Ondansetron hydrochloride Form H, characterized by powder X-ray diffraction peaks at 7.8, 14.0, 14.8 , 24.7 and 25.6 ±0.2 degrees two-theta.

68. (previously presented) A process for preparing the ondansetron hydrochloride Form H of claim 67 comprising:

a) suspending ondansetron base in absolute ethanol;

b) adding an ethanol solution of hydrochloric acid to the suspension;

c) precipitating the ondansetron hydrochloride Form H of claim 67 by adding ether to the suspension; and

d) isolating the ondansetron hydrochloride Form H of claim 67.

69. (original) The process of claim 68 wherein the ether is methyl tert-butyl ether or diethyl ether.

70. (original) The process of claim 68 wherein the ether is dry.

71-73. (canceled)

74. (previously presented) Ondansetron hydrochloride Form I, characterized by a strong powder X-ray diffraction peak at 25.0 ±0.2 degrees two-theta and other powder X-ray diffraction peaks at 8.2, 9.3, 9.9, 11.1 and 24.9 ±0.2 degrees two-theta.

75. (previously presented) Ondansetron hydrochloride Form I, characterized by a strong powder X-ray diffraction peak at 25.0 ±0.2 degrees two-theta and other powder X-ray diffraction peaks at 8.2, 9.3, 9.9, 11.1, 13.9, 16.0, 17.0, 21.0, 22.6, 25.8, 27.3 and 28.0 ±0.2 degrees two-theta.

76. (previously presented) Ondansetron hydrochloride Form I, characterized by a strong powder X-ray diffraction peak at 25.0 ±0.2 degrees two-theta and other powder X-ray diffraction peaks at 6.9, 8.2, 8.7, 9.1, 9.3, 9.9, 11.1, 11.6, 13.8, 16.1, 16.9, 17.9, 21.1, 22.7, 25.7, 26.6, 27.4 and 27.9 ±0.2 degrees two-theta.

77-93. (canceled)